

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

BIO-RAD LABORATORIES, INC.,
Plaintiff,

PRESIDENT AND FELLOWS OF HARVARD
COLLEGE,
Co-Plaintiff,

v.

10X GENOMICS, INC.,
Defendant.

Civil Action No. 1:19-cv-12533-WGY

**JOINT STIPULATION AND
[PROPOSED] ORDER OF DISMISSAL**

10X GENOMICS, INC.,
Counterclaim Plaintiff,

PRESIDENT AND FELLOWS OF HARVARD
COLLEGE,
Counterclaim Co-Plaintiff as to
certain claims,

v.

BIO-RAD LABORATORIES, INC.,
Counterclaim Defendant.

WHEREAS, Bio-Rad Laboratories, Inc. (“Bio-Rad”) and the President and Fellows of Harvard College (“Harvard”) (collectively, “Plaintiffs”) asserted claims of infringement of U.S. Patent Nos. 8,871,444 and 9,919,277 (collectively, “the Bio-Rad Patents-in-Suit”) against 10X Genomics, Inc. (“10X”) (D.I. 1);

WHEREAS, 10X and Harvard (collectively “Counterclaim Plaintiffs”) have asserted counterclaims of infringement of U.S. Patent No. 9,029,085 and 9,850,526 (collectively “the 10X Patents-in-Suit”) against Bio-Rad (D.I. 53);

WHEREAS, 10X has further asserted affirmative defenses, counterclaims of non-infringement, invalidity, and unenforceability of the Bio-Rad Patents-in-Suit, and antitrust counterclaims (D.I. 113);

WHEREAS, Plaintiffs and Counterclaim Plaintiffs have mutually agreed to a settlement of their respective claims;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiffs and Counterclaim Plaintiffs, through their respective undersigned counsel, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii):

1. To dismiss with prejudice Plaintiffs’ claims for infringement of the Bio-Rad Patents-in-Suit against 10X (D.I. 1, Counts I-II).
2. To dismiss without prejudice 10X’s counterclaims for non-infringement, invalidity, and unenforceability of the Bio-Rad Patents-in-Suit against Plaintiffs (D.I. 113, Counts VIII-XIII);
3. To dismiss with prejudice 10X’s antitrust counterclaims (D.I. 113, Counts I-VII);
4. To dismiss with prejudice Counterclaim Plaintiffs’ claims for infringement of the 10X Patents-in-Suit (D.I. 113, Counts XIV-XV);
5. Each party shall bear its own costs, expenses, and attorneys’ fees incurred with

respect to all claims, defenses, and counterclaims in this Action.

Dated: July 28, 2021

Respectfully Submitted,

/s/ Matthew Powers

Matthew D. Powers (*pro hac vice*)
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Counsel for Bio-Rad Laboratories

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on July 28, 2021, a copy of the foregoing document was electronically filed with the clerk of the Court using the CM/ECF system, which will issue an electronic notification of filing to all counsel of record.

/s/ Edward Reines

Edward R. Reines